

1 **Rule 4-202.03. Records Access.**

2 **Intent:**

3 To identify who may access court records.

4 **Applicability:**

5 This rule applies to the judicial branch.

6 **Statement of the Rule:**

7 (1) **Public Court Records.** Any person may access a public court record.

8 (2) **Sealed Court Records.** An adoptive parent or adult adoptee may obtain a certified copy
9 of the adoption decree upon request and presentation of positive identification. Otherwise,
10 no one may access a sealed court record except by order of the court. A judge may
11 review a sealed record when the circumstances warrant.

12 (3) **Private Court Records.** The following may access a private court record:

13 (3)(A) the subject of the record;

14 (3)(B) the parent or guardian of the subject of the record if the subject is an
15 unemancipated minor or under a legal incapacity;

16 (3)(C) a party, attorney for a party, or licensed paralegal practitioner for a party to
17 litigation in which the record is filed;

18 (3)(D) an interested person to an action under the Uniform Probate Code;

19 (3)(E) the person who submitted the record;

20 (3)(F) the attorney or licensed paralegal practitioner for a person who may access the
21 private record or an individual who has a written power of attorney from the
22 person or the person's attorney or licensed paralegal practitioner;

23 (3)(G) an individual with a release from a person who may access the private record
24 signed and notarized no more than 90 days before the date the request is made;

25 (3)(H) anyone by court order;

26 (3)(I) court personnel, but only to achieve the purpose for which the record was
27 submitted;

28 (3)(J) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and

29 (3)(K) a governmental entity with which the record is shared under Rule 4-202.10.

30 (4) **Protected Court Records.** The following may access a protected court record:

31 (4)(A) the person or governmental entity whose interests are protected by closure;

- 32 (4)(B) the parent or guardian of the person whose interests are protected by closure if
33 the person is an unemancipated minor or under a legal incapacity;
- 34 (4)(C) the person who submitted the record;
- 35 (4)(D) the attorney or licensed paralegal practitioner for the person who submitted the
36 record or for the person or governmental entity whose interests are protected by
37 closure or for the parent or guardian of the person if the person is an
38 unemancipated minor or under a legal incapacity or an individual who has a
39 power of attorney from such person or governmental entity;
- 40 (4)(E) an individual with a release from the person who submitted the record or from the
41 person or governmental entity whose interests are protected by closure or from
42 the parent or guardian of the person if the person is an unemancipated minor or
43 under a legal incapacity signed and notarized no more than 90 days before the
44 date the request is made;
- 45 (4)(F) a party, attorney for a party, or licensed paralegal practitioner for a party to
46 litigation in which the record is filed;
- 47 (4)(G) anyone by court order;
- 48 (4)(H) court personnel, but only to achieve the purpose for which the record was
49 submitted;
- 50 (4)(I) a person provided the record under Rule 4-202.04 or Rule 4-202.05; and
- 51 (4)(J) a governmental entity with which the record is shared under Rule 4-202.10.
- 52 (5) **Juvenile Court Social Records.** The following may access a juvenile court social
53 record:
- 54 (5)(A) the subject of the record, if 18 years of age or over;
- 55 (5)(B) a parent or guardian of the subject of the record if the subject is an
56 unemancipated minor;
- 57 (5)(C) an attorney or person with power of attorney for the subject of the record;
- 58 (5)(D) a person with a notarized release from the subject of the record or the subject's
59 legal representative dated no more than 90 days before the date the request is
60 made;
- 61 (5)(E) the subject of the record's therapists and evaluators;
- 62 (5)(F) a self-represented litigant, a prosecuting attorney, a defense attorney, a
63 Guardian ad Litem, and an Attorney General involved in the litigation in which the
64 record is filed;

- 65 (5)(G) a governmental entity charged with custody, guardianship, protective
66 supervision, probation or parole of the subject of the record including juvenile
67 probation, Division of Child and Family Services and Juvenile Justice Services;
68 (5)(H) the Department of Human Services, school districts and vendors with whom they
69 or the courts contract (who shall not permit further access to the record), but only
70 for court business;
- 71 (5)(I) court personnel, but only to achieve the purpose for which the record was
72 submitted;
- 73 (5)(J) a governmental entity with which the record is shared under Rule 4-202.10;
- 74 (5)(K) the person who submitted the record;
- 75 (5)(L) public or private individuals or agencies providing services to the subject of the
76 record or to the subject's family, including services provided pursuant to a
77 nonjudicial adjustment, if a probation officer determines that access is necessary
78 to provide effective services; and
- 79 (5)(M) anyone by court order.
- 80 (5)(N) Juvenile court competency evaluations, psychological evaluations, psychiatric
81 evaluations, psychosexual evaluations, sex behavior risk assessments, and other
82 sensitive mental health and medical records may be accessed only by:
- 83 (5)(N)(i) the subject of the record, if age 18 or over;
- 84 (5)(N)(ii) an attorney or person with power of attorney for the subject of the
85 record;
- 86 (5)(N)(iii) a self-represented litigant, a prosecuting attorney, a defense attorney,
87 a Guardian ad Litem, and an Attorney General involved in the
88 litigation in which the record is filed;
- 89 (5)(N)(iv) a governmental entity charged with custody, guardianship, protective
90 supervision, probation or parole of the subject of the record including
91 juvenile probation, Division of Child and Family Services and Juvenile
92 Justice Services;
- 93 (5)(N)(v) court personnel, but only to achieve the purpose for which the record
94 was submitted;
- 95 (5)(N)(vi) anyone by court order.
- 96 (5)(O) When records may be accessed only by court order, a juvenile court judge will
97 permit access consistent with Rule 4-202.04 as required by due process of law in
98 a manner that serves the best interest of the child.

- 99 (6) **Juvenile Court Legal Records.** The following may access a juvenile court legal record:
- 100 (6)(A) all who may access the juvenile court social record;
- 101 (6)(B) a law enforcement agency;
- 102 (6)(C) a children's justice center;
- 103 (6)(D) public or private individuals or agencies providing services to the subject of the
- 104 record or to the subject's family; ~~and~~
- 105 (6)(E) the victim of a delinquent act may access the disposition order entered against
- 106 the ~~defendant~~ minor; and
- 107 (6)(F) the parent or guardian of the victim of a delinquent act may access the
- 108 disposition order entered against the minor if the victim is an unemancipated
- 109 minor or under legal incapacity.
- 110 (7) **Safeguarded Court Records.** The following may access a safeguarded record:
- 111 (7)(A) the subject of the record;
- 112 (7)(B) the person who submitted the record;
- 113 (7)(C) the attorney or licensed paralegal practitioner for a person who may access the
- 114 record or an individual who has a written power of attorney from the person or
- 115 the person's attorney or licensed paralegal practitioner;
- 116 (7)(D) an individual with a release from a person who may access the record signed
- 117 and notarized no more than 90 days before the date the request is made;
- 118 (7)(E) anyone by court order;
- 119 (7)(F) court personnel, but only to achieve the purpose for which the record was
- 120 submitted;
- 121 (7)(G) a person provided the record under Rule 4-202.04 or Rule 4-202.05;
- 122 (7)(H) a governmental entity with which the record is shared under Rule 4-202.10; and
- 123 (7)(I) a person given access to the record in order for juvenile probation to fulfill a
- 124 probation responsibility.
- 125 (8) Court personnel shall permit access to court records only by authorized persons. The
- 126 court may order anyone who accesses a non-public record not to permit further access,
- 127 the violation of which may be contempt of court.
- 128 (9) If a court or court employee in an official capacity is a party in a case, the records of the
- 129 party and the party's attorney are subject to the rules of discovery and evidence to the
- 130 same extent as any other party.